

**SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY**

**PRESENT: HON. WALTER B. TOLUB**  
*Justice*

**PART 15**

ANIL JETHMAL,

Plaintiff,

- v -

MICHELLE RAPINO,

Defendant.

INDEX NO., **60184212001**

MOTION DATE 11/27/01

MOTION SEQ. NO. **003**

MOTION CAL. NO 72

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

Notice of Motion/ Order to **Show Cause** — Affidavits — Exhibits \_\_\_\_\_  
Answering Affidavits — Exhibits \_\_\_\_\_  
Replying Affidavits \_\_\_\_\_

<u>PAPERS NUMBERED</u>
<b>SCANNER</b>
SEP 13 2002

**Cross-Motion:**     **Yes**     **No**

Upon the foregoing papers, *it is* ordered that this motion by Plaintiff for partial summary judgment dismissing defendant's counterclaims **is** granted.

Plaintiff commenced this action against defendant for the return of an engagement ring due to the termination of the parties' engagement. Defendant raised three counterclaims in her answer. The first counterclaim alleges fraudulent inducement, the second counterclaim alleges intentional infliction of emotional distress, and the third counterclaim alleges fraud.

The first and third counterclaims are barred by *Civil Rights Law* § 80-a. Plaintiff's second counterclaim arises from acts that occurred in 1993. That counterclaim is barred by the one-year statute of limitations of CPLR 215(3). See Macholz v. Weiss, 279 A.D. 2d 557, 557 (2<sup>nd</sup> Dept. 2001).

This constitutes the decision and order of the court.

Dated:

9/4/02

  
\_\_\_\_\_  
WALTER B. TOLUB, J.S.C.

Check one:     **FINAL DISPOSITION**     **NON-FINAL DISPOSITION**